

FILED

United States District Court

MIDDLE

DISTRICT OF

ALABAMA

DEC 29 2006

UNITED STATES OF AMERICA

v.

MITCHELL BRACKNELL

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

CRIMINAL COMPLAINT

CASE NUMBER: 2:06MJ142-CSC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 29, 2006, in Montgomery county and elsewhere within the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

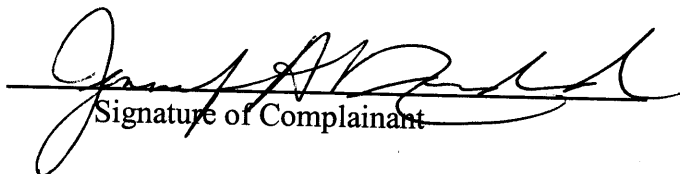
possess ammunition in and affecting commerce, while being a convicted felon,

in violation of Title 18 United States Code, Section(s) 922(g)(1). I further state that I am

a(n) ATF Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

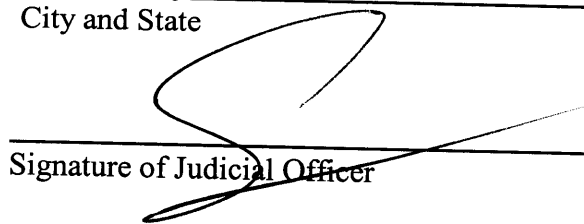

Signature of Complainant

Sworn to before me and subscribed in my presence,

December 29, 2006 at
Date

Montgomery, Alabama
City and State

Charles S. Coody, U. S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Special Agent Jennifer A. Rudden, affiant, hereby depose and state the following:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, United States Justice Department, and have been so employed since June 18, 2001. I have completed Criminal Investigator School at the Federal Law Enforcement Training Center and New Professional Training Program at the ATF National Academy. I am currently assigned to the Montgomery Field Office in Montgomery, Alabama. As a result of my training and on-the-job experience as an ATF Special Agent, I have become thoroughly knowledgeable in the violations of the Federal firearm, arson and explosive laws to include various criminal statutes enacted in the Gun Control Act of 1968 and those set forth in the National Firearms Act.

As a result of my training and experience as an ATF agent, I am familiar with the federal laws concerning the illegal possession of firearms and ammunition. I know that it is illegal for any person who has been convicted of a crime punishable by imprisonment for a term exceeding one year, to possess ammunition that has affected interstate or foreign commerce.

On December 29, 2006, Officer J.F. Peterson of The Montgomery Police Department observed a vehicle, Alabama tag 3A4842K, parked at an intersection with the driver slumped over the seat. Officer Peterson was on his way home after his shift to change out of his duty uniform. After changing Officer Peterson began questioning the welfare of the driver. Officer Peterson then got into his personal vehicle and drove back to the vehicle with the driver that appeared to be in distress. Upon arrival, Officer Peterson observed the driver in the same condition and therefore called 911.

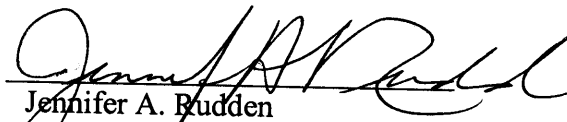
On this same date (12/29/2006), Officer Peterson approached the vehicle and identified himself as Police Officer J.F. Peterson with the Montgomery Police Department. The medics arrived on the scene and opened the door of the vehicle to check the driver's condition. Upon the medic touching the driver, Officer Peterson identified himself again as Officer J.F. Peterson of the Montgomery Police Department. The driver, later identified as Mitchell BRACKNELL jumped out of the vehicle and ran. Mitchell BRACKNELL then lunged at Officer Peterson turning the chase into a physical altercation. Mitchell BRACKNELL stated, "lay a hand on me f----r I will kill you". The foot pursuit continued until additional units arrived.

On this same date (12/29/2006), Mitchell BRACKNELL was apprehended and searched incident to arrest. A Glock magazine containing fifteen rounds of FC 9mm caliber ammunition was recovered in BRACKNELL's pocket.

On this same date (12/29/2006) Alcohol, Tobacco, Firearms & Explosives Special Agent Eric Hoxter determined that said ammunition was not manufactured in the State of Alabama and therefore must have traveled in interstate commerce.

Mitchell BRACKNELL has been convicted on or about March 23, 2000 in the Circuit Court of Montgomery County, Alabama of felony charges of *Receiving Stolen Property 1st*, *Theft of Property 1st*, *Break/Enter of Vehicle*.

Based on the foregoing facts, I believe that on December 29, 2006, Mitchell BRACKNELL, a convicted felon, illegally possessed ammunition that has traveled in interstate or foreign commerce, Title 18, USC 922(g)(1). This violation occurred within Montgomery County, Middle District of Alabama.


Jennifer A. Rudden
Special Agent, ATF

Sworn to before me and subscribed in my presence this 29th day of December 2006.


Charles S. Coody
United States Magistrate Judge